

May 01, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

KAISER ALUMINUM
CORPORATION, a Delaware
corporation; and KAISER
ALUMINUM WASHINGTON, LLC,
a Delaware limited liability company,

Plaintiffs,

v.

PAUL J. AINSWORTH and TERI L.
TUCKER, individually and the marital
community comprised thereof,

Defendants.

No. 2:16-CV-0339-SMJ

**ORDER DISMISSING CASE AND
RETAINING JURISDICTION**

Before the Court, without oral argument, is the Parties' Joint Motion for Dismissal of All Claims and Counterclaims without Prejudice, ECF No. 21. The Parties represent that they have reached a negotiated settlement of all claims and counterclaims in this lawsuit. *Id.* Pursuant to the settlement terms, the Parties ask the Court to retain jurisdiction over the terms of the Settlement Agreement, ECF No. 21-1, for three years should enforcement become necessary.

Having reviewed the pleadings and the file in this matter, the Court is fully informed, grants the motion dismissing all claims and counterclaims without

1 prejudice, and exercises its discretion to retain jurisdiction in this matter to
2 enforce the Parties' Settlement Agreement for a period of three years from the
3 date this order is entered. Fed. R. Civ. P. 41(a)(2); *see Kokkonen v. Guardian Life*
4 *Ins. Co. of America*, 511 U.S. 375, 381–82 (1994) (stating that, pursuant to Rule
5 41, federal courts can retain jurisdiction over a dismissed case to enforce a
6 settlement contract between the parties so long as the parties agree to such an
7 arrangement).

8 Accordingly, **IT IS HEREBY ORDERED:**

9 **1.** The Parties' Joint Motion for Dismissal of All Claims and
10 Counterclaims Without Prejudice, **ECF No. 21**, is **GRANTED**.

11 **2.** All claims and counterclaims are **DISMISSED WITHOUT**
12 **PREJUDICE**, with all Parties to bear their own costs and attorneys'
13 fees.

14 **3.** Pursuant to Federal Rule of Civil Procedure 41(a)(2) and *Kokkonen v.*
15 *Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994), the Court
16 will retain jurisdiction for three years from the date this Order is
17 entered to enforce, should enforcement become necessary, this Order
18 and the terms of the Parties' underlying Settlement Agreement which
19 is incorporated by this reference.

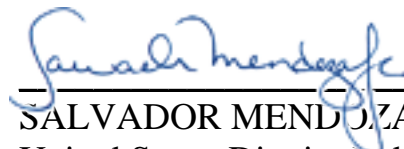
20 **4.** All pending motions are **DENIED AS MOOT**.

1 **5.** All hearings and other deadlines are **STRICKEN**.

2 **6.** The Clerk's Office is directed to **CLOSE** this file.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,
4 close this file, and provide copies to all counsel.

5 **DATED** this 1st day of May 2017.

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8 SALVADOR MENDOZA, JR.
9 United States District Judge
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